

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ALAN DUNCAN,

Plaintiff,

v.

CHARLES PEARCE,

et al.,

Defendants.

No. 16-cv-1366-DRH

MEMORANDUM and ORDER

HERNDON, District Judge:

Plaintiff Alan Duncan brought this *pro se* action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983. According to the complaint, the prison officials at Pickneyville subjected him to excessive force and were deliberately indifferent to his related injuries. On April 13, 2017, the Court conducted its preliminary review of the complaint and referred the matter to Magistrate Judge Reona J. Daly (Doc. 14). Thereafter, Duncan filed a motion for temporary restraining order (Doc. 24). Specifically, Duncan seeks a transfer from Menard to another facility as he claims he is not safe at Menard.

Pursuant to 28 U.S.C. § 636(b)(1)(B), Magistrate Daly submitted a Report and Recommendation ("the Report") on July 24, 2017 (Doc. 45). The Report recommends that the Court deny Duncan's motion for temporary restraining

order. The Report found that the relief requested is outside the scope of the complaint as none of the claims in this case arise out of Duncan's conditions of confinement at Menard. The Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within 14 days of service of the Report. To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Accordingly, the Court **ADOPTS** the Report (Doc. 45). The Court **DENIES** Duncan's motion for temporary restraining order (Doc. 24) for the reasons given in the Report and Recommendation.

IT IS SO ORDERED.

Signed this 16th day of August, 2017.

  Judge Herndon
2017.08.16
11:05:54 -05'00'
United States District Judge